

Serial No. 10/528,315
Atty. Doc. No. 2002P15750WOUS

REMARKS

Claims 7-13 are pending in this application. Claims 10-13 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 7-13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over US patent No. 5,210,526 (hereinafter Imperiali) in view of US patent application publication No. 2002/0183971 (hereinafter Wegerich). Reconsideration of the rejections and allowance of the pending claims are respectfully solicited in view of the foregoing amendments and the following remarks.

Independent claims 7 and 10 have been amended to emphasize aspects of the present invention. Claim 10 was further amended as suggested by the Examiner to overcome the rejections under 35 U.S.C. §101.

M.P.E.P. 2143.04 provides that to establish *prima facie* obviousness of a claimed invention, all the claims limitations must be taught or suggested by the prior art. All words in a claim must be considered for judging the patentability of the claim against the prior art. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending there from is nonobvious.

Claim 7 is directed to a computer-based method for monitoring and carrying out a diagnosis of a technical installation comprising a plant for generating electrical power. As amended, claim 7 recites monitoring a plurality of distinct types of machinery in the technical installation. The distinct types of machinery including rotating and non-rotating machinery. The monitoring is configured to acquire a number of temperature values and temperature information regarding the plurality of distinct types of machinery. The monitoring is configured to account for interactions that occur between at least some of the distinct types of machinery in the technical installation. Basis for the foregoing amendment may be found at least in paragraphs 16, 22, 26, and 27 of the US patent application publication of the present invention.

Applicant will now discuss why the Imperiali/Wegerich combination does not constitute an appropriate *prima facie* combination for rejecting claims under 35 USC 103(a). It is respectfully noted that the Imperiali/Wegerich combination does not teach or suggest monitoring a plurality of distinct types of machinery in the technical installation, including rotating and non-rotating machinery. For example, Imperiali merely describes detecting leaks in pipes. Furthermore, the Imperiali/Wegerich combination does not teach or suggest that the monitoring

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is configured to account for interactions that occur between at least some of the distinct types of machinery in the technical installation, as set forth in claim 7. For example, as described in paragraph 26 of the US patent application publication of the present invention, the foregoing operational relationship can be advantageously used for reducing the amount of data acquired in connection with the monitored machinery. It is respectfully submitted that the Imperiali/Wegerich combination fails to constitute an appropriate *prima facie* combination for rejecting claim 7 under 35 USC 103(a), and this rejection (as well as the rejection of claims depending from claim 7) should be withdrawn.

Claim 10 is directed to an apparatus for carrying out diagnosis of a technical installation comprising a plant for generating electrical power. Claim 10 was amended in accordance with the specific suggestions made by the Examiner to address the non-statutory issues raised in the Office Communication. Accordingly, it is respectfully submitted that the § 101 basis of rejection should be withdrawn. Applicant will address below the § 103 rejection.

Claim 10 in part recites a data acquisition module adapted to acquire a number of temperature values and temperature information related to a plurality of distinct types of machinery of the technical installation, including rotating and non-rotating machinery, wherein acquisition of data performed with the data acquisition module is configured to account for interactions that occur between at least some of the distinct types of machinery in the technical installation

It is respectfully submitted that the Imperiali/Wegerich combination fails to describe or suggest the structural and/or operational relationships set forth in claim 10. Accordingly, the Imperiali/Wegerich combination fails to constitute an appropriate *prima facie* combination for rejecting claim 10 under 35 USC 103(a), and this rejection (as well as the rejection of claims depending from claim 10) should be withdrawn.

CONCLUSION

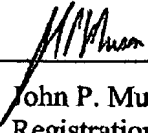
It is respectfully submitted that each of the claims pending in this application recites patentable subject matter and it is further submitted that such claims comply with all statutory requirements and thus each of such claims should be allowed.

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The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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